UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK	_
MICHELLE SHAFRAN,	x : :
Plaintiff, -against-	: Case No. 1:23-cv-1156 (AMN/CFH)
NEW YORK LIFE GROUP INSURANCE	:
COMPANY OF NY,	: :
Defendant.	: x

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

WHEREAS, Defendant, New York Life Group Insurance Company of NY, formerly known as Cigna Life Insurance Company of New York ("NYLGICNY") issued Group Long Term Disability Policy No. NYK 980014 ("Policy"), which insured employee welfare benefits under the HBC U.S. Health and Welfare Plan, sponsored by Lord & Taylor Acquisition, Inc. ("Plan");

WHEREAS, Plaintiff Michelle Shafran ("Shafran") filed a claim for disability benefits under the Policy in or about March 2019;

WHEREAS, NYLGICNY approved Shafran's claim for disability benefits from September 2019 to December 2021;

WHEREAS, on March 17, 2022, NYLGICNY issued its letter denying Shafran's claim for additional disability benefits after December 2021, and informing Shafran that she had 180 days to appeal this adverse determination;

WHEREAS, Shafran did not appeal NYLGICNY's adverse determination within 180 days of the March 17, 2022 letter or at all;

WHEREAS, on or about August 14, 2023, Shafran filed the present action against NYLGICNY, and NYLGICNY has alleged in defense, inter alia, that Shafran failed to exhaust administrative remedies before filing suit;

WHEREAS, NYLGICNY has offered to accept a late appeal of its adverse determination in exchange for dismissal of the Lawsuit without prejudice, and Shafran has accepted that offer;

WHEREAS, no party hereto is an infant or incompetent;

NOW, THEREFORE, IT IS HEREBY STIPULATED between undersigned counsel for all parties in this action pursuant to Fed. R. Civ. P. 41 (a)(1)(A)(ii) that this action, including all counterclaims, be, and the same hereby is, dismissed without prejudice and without costs or attorneys' fees to either party; and

IT IS FURTHER STIPULATED that Shafran shall file her appeal, if any, no later than sixty (60) days of the date of entry of this Stipulation.

Raymond J. Iaia 115 Green Street

Kingston, NY 12401 Tel No.: (845) 379-1917

Email: raymond@rjilawyer.com

Attorneys for Plaintiff

Dated: January 23, 2024

Patrick W. Begos

1055 Washington Boulevard

Stamford, CT 06901

Tel. No.: (203) 462-7500 Fax No.: (203) 462-7599

Email: pbegos@rc.com

Attorneys for Defendant

IT IS SO ORDERED:

Anne M. Nardacci

U.S. District Judge

Dated: February 20, 2024 Albany, NY